

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**PEGGY HALEY, ET UX.,
Plaintiffs**

v.

**JACK CORCORAN, ET AL.,
Defendants**

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CIVIL NO.: WDQ-09-1338

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REPORT AND RECOMMENDATION

This Report and Recommendation addresses the Motion for Default Judgment as to Defendant Michael Mattice that Plaintiffs Peggy and James Haley filed, Paper No. 31, and Defendant Mattice's response thereto, Paper No. 45. On February 24, 2010, in accordance with 28 U.S.C. § 636 and Local Rules 301 and 302, Judge Quarles referred this case to me to review Plaintiffs' Motion and to hold an evidentiary hearing, if necessary. Paper No. 39.

On April 23, 2010, after receiving a Notice from the U.S. Bankruptcy Court of Colorado that Defendant Mattice filed for Chapter 7 Bankruptcy, Plaintiffs filed a Line to Court Reflecting Bankruptcy Filing of Defendant Mattice. Paper No. 50. 11 U.S.C. § 362(a) provides, with exceptions not relevant here, that a voluntary petition by a person who may be a debtor

operates as a stay, applicable to all entities, of-- (1) the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [Title 11], or to recover a claim against the debtor that arose before the commencement of the case under this title[.]

This provision applies to Chapter 7 cases. *See* 11 U.S.C. § 103(a). Therefore, I recommend that the Court order a STAY as to Defendant Mattice pending the resolution of the bankruptcy case.

The parties have fourteen (14) days in which to file objections to this Report and Recommendation pursuant to Fed. R. Civ. P. 72(b) and Local Rule 301.5.b.

Dated: April 26, 2010

_____/s/_____
Paul W. Grimm
United States Magistrate Judge

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